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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,118	01/05/2004	Eiji Ihara	Q73832	1360

7590 01/03/2006
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
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EXAMINER

LANGEL, WAYNE A

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1754

Applicants' traverse of the restriction requirement has been considered, but is not deemed persuasive. Applicants' argument, that in view of the amendments to claims 3, 9 and 11, Groups II, III and IV should be unified as a single group for purposes of restriction because claims 9-11 depend from claim 3 and the process defined by claims 9-11 can be carried out in series after carrying out the process according to claim 3, is not convincing, since applicants have not explained how claims 9 and 11 would require the production of abrasive grains having the limitations as recited in claim 2. Accordingly the restriction requirement is made FINAL.

The specification is objected to in referring to the Drawing figures as "FIG. 1" and "FIG.2", since there are no "FIG.1" and "FIG.2".

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 61-17405. The cubic boron nitride abrasive grains formed according to the process of JP 61-17405 would inherently have the properties as recited in applicant's claims 1 and 2, since the grains are formed

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by maintaining a starting mixture of a boron source and hexagonal boron nitride under pressure and temperature conditions where CBN remains thermodynamically stable.

(See the English Abstract of JP 61-751118, and page 11, line 18 to page 12, line14 of applicants' specification.)

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Otsuho '690.. The cubic boron nitride abrasive grains formed according to the process of Otsuho '690 would inherently have the properties as recited in applicant's claims 1 and 2, since the grains are formed by maintaining a starting mixture of a boron source and hexagonal boron nitride under pressure and temperature conditions where CBN remains thermodynamically stable. (See Paragraphs [0027] through [0032] of Otsuho '690, and page 11, line 18 to page 12, line14 of applicants' specification.)


Corrigan and Suzuki et al are made of record for disclosing the production of CBN abrasive grains.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Langel whose telephone number is 571-272-1353. The examiner can normally be reached on Monday through Friday, 8 am - 3:30 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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A handwritten signature in black ink, reading "Wayne A. Langel". The signature is fluid and cursive, with the first name "Wayne" and last name "Langel" clearly legible.

Wayne Langel
Primary Examiner
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